

REMARKS

The application has been amended to distinguish the claimed invention over the cited prior art, and to place the application into *prima facie* condition for allowance. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Claims 1, 3 and 5 have been rejected under 35 U.S.C. 102(b) as being anticipated by German reference 29611382. Claims 6 and 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sidler, U.S. 4,577,563. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

German utility model DE 296 11 382 U1 discloses a cargo space having fixing holes (6) within the cargo space floor which do not extend over a majority of the length of the cargo space. Indeed, there are only a number of individual, spaced apart fixing holes provided. This limits the number of different positions in which luggage could be fixed inside the cargo space.

Applicant's invention of amended claim 1, however, is directed to a device for the fixation of dimensionally stable suitcases in a cargo space of a motor vehicle, wherein, in a cargo space floor (3), receiving tracks (4) are provided, which are associated with securing means (5) for the suitcases (6), wherein corresponding securing elements (10), which can be engaged with positive lock with the securing means (5) in the cargo space, are provided on the suitcases (6), and wherein actuation means (7, 8, 9) are provided for the manual separation of the securing means (5) and the securing elements (10) from each other, and arranged in the cargo space or on the suitcase,

wherein the receiving tracks are integrally mounted within the cargo space floor, such that upper surfaces of the receiving tracks are of a level height with surrounding areas of the cargo space floor and are not elevated with respect to same, and further wherein the receiving tracks are elongated and extend continuously substantially the entire length of the cargo space.

Thus, the invention of applicant's amended claim 1 provides for a much greater number of potential affixation positions, than the apparatus of the German DE 296 11 382 U1 reference. The German reference completely fails to teach or suggest the use of receiving tracks that are continuous and extend substantially the entire length of the cargo space. As such Applicant respectfully submits that Applicant's invention of amended claim 1 should be deemed to patentably distinguish over the cited German reference, and that the Examiner's basis for rejection of claim 1 should be deemed overcome. Reconsideration and withdrawal of the rejection, and allowance of claim 1 are respectfully solicited.

Applicant further respectfully submits that claim 1, as amended patentably distinguishes over all of the cited art of record as well as the prior art in the Information Disclosure Statement being submitted contemporaneously herewith.

Inasmuch as dependent claims 3 and 5 merely serve to further define the subject matter of amended claim 1, which itself should be deemed allowable, withdrawal of the rejections of claims 3 and 5, and allowance thereof, are respectfully requested.

Inasmuch as claims 6 and 7 have been cancelled, the Examiner's rejection of claims 6 and 7 is now moot.

Applicant submits that the application as a whole, including claims 1, 3 and 5, is now in *prima facie* condition for allowance, and reconsideration and allowance of the application as a whole are respectfully solicited.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,
GREENBERG TRAURIG

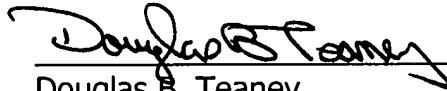
Dated: October 29, 2003



Douglas B. Teaney
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 29, 2003.



Douglas B. Teaney